

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3810 of 2005

Between:

1. Bhukya Suvali, W/o. Deepla,
R/o. Laxmipuram, Kalluru (M), Khammam District.
2. Nelluri Parvathi, W/o. Venkateswara Rao,
R/o. Laxmipuram, Kalluru (M), Khammam District.

... PETITIONERS

AND

- 1 District Collector, Khammam District at Khammam.
- 2 Mandal Revenue Officer, Kallur(M), Khammam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in initiating proceedings in Rc.No. H6/2416/2004, Dt. 17-2-2005 directing the petitioners to vacate the land from Sy.No. 47/ Lokaram revenue village without undertaking any enquiry into objections is illegal, irregular, without jurisdiction and violative of provisions of AP (TA) Land Revenue Act 1317 F and the rules framed there under and also offends Art 14, 21 and 300 A of the Constitution of India and consequently direct the respondents not to evict them there from.

Counsel for the Petitioners: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

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ORDER:

The petitioners claim to be the absolute owners and possessors of property to an extent of 2.0½ guntas each in Sy.No.47 of Lokaram revenue Village. This writ petition is filed aggrieved by the alleged action of the first respondent-District Collector, Khammam, in seeking to evict the petitioners in pursuance of the order dated 17-02-2005 without conducting the enquiry as required under Section 157(3) of the A.P. (T.A.) Land Revenue Act. As can be seen from the material on record, the 1st respondent passed orders dated 17-02-2005 under Section 157 of the Act calling upon the petitioners to vacate the land in their occupation within seven days, failing which, further action for eviction will be taken as per the law.

The petitioners state that soon after receiving the notice dated 17-02-2005, the petitioners approached the first respondent along with their counsel and submitted their objections on 23-02-2005. However, the first respondent refused to receive the same and has been taking steps to evict the petitioners from the land in question. Hence, this writ petition contending that the said action of the 1st respondent is contrary to law.

A perusal of Section 157(3) of the A.P. (Telangana Area) Land Revenue Act shows that whenever the eviction is resisted and obstructed by any person, the Collector has to hold a summary inquiry into the case and if satisfied after inquiry into the facts of the case that the resistance or obstruction was without any just cause and that such resistance and obstruction continues, shall take further steps for

arrest.

In the light of the statutory provision, I deem it appropriate to dispose of the writ petition granting liberty to the petitioners to submit their objections, within a period of two weeks from today. In case, the petitioners submit any objections within the time stipulated above, the first respondent-District Collector, shall consider the same and pass appropriate orders, in accordance with law, within a period of two weeks thereafter. Till such time, *status quo* obtaining as on today as to the nature and possession of the land in question shall be maintained.

The Writ Petition is accordingly disposed of. No order as to costs.

G. ROHINI, J

Dated: 01-03-2005

Note: Furnish C.C. in two days.

B/o.

LSK

ASSISTANT REGISTRAR

To

1 District Collector, Khammam District at Khammam.

2 Mandal Revenue Officer, Kallur(M), Khammam District.

3 Two C.Cs. to the Government Pleader for Revenue, High Court Buildings,
Hyderabad. (O.U.T.)

4 Two C.D. copies.